

**REMARKS**

Applicant requests reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks.

Claims 1, 2, 4, 5 and 7-18 are pending in the present application. Claims 1 and 12-17 are the independent claims.

Claim 3 has been cancelled. Claims 1 and 12-17 have been amended.

Claims 1-4, 7, 9-12, and 14-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,336,298 to Haitsuka in view of U.S. Patent No. 6,236,330 to Cohen and further in view of U.S. Patent No. 5,250,941 to McGregor. Claims 5 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Haitsuka in view of Cohen in further view of McGregor and in further view of U.S. Patent No. 6,332,127 to Bandera. Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Haitsuka in view of Cohen and further in view of McGregor and further in view of U.S. Patent No. 6,360,221 to Gough. Claim 17 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Haitsuka in view of Cohen and further in view of McGregor and further in view of U.S. Patent No. 6,061,660 to Eggelston. All rejections are respectfully traversed.

In the Office Action, the Examiner clarified his interpretation of the passage count as recited in the independent claims. Specifically, the Examiner indicated that he interpreted the claims to refer to only a single predetermined period. Thus, according to the Examiner's interpretation, a passage count could never exceed one. The claims have been amended to recite that the passage count according to the present invention is a continuous counter for a time period exceeding the predetermined period of time.

Independent claim 1 recites, *inter alia*, determining a passage count of the mobile client in a predetermined advertising information transmission area in which a position indicated by the position information is located and storing the passage count, the passage count including a number of times the mobile client passes within the predetermined advertising information transmission area, and when the mobile client passes through the same transmission area two or more times within a predetermined period of time, the second passage and later within that predetermined period of time are not counted, wherein the passage count is a continuous counter for a time period exceeding the predetermined period of time.

Independent claim 12 recites, *inter alia*, determining a passage count of the mobile client in a predetermined advertising information transmission area in which a position indicated by the position information is located and storing the passage count, the passage count including a

number of times the mobile client passes within the predetermined advertising information transmission area, and when the mobile client passes through the same transmission area two or more times within a predetermined period of time, the second passage and later within that predetermined period of time are not counted, wherein the passage count is a continuous counter for a time period exceeding the predetermined period of time.

Independent claim 13 recites, *inter alia*, determining a state of passage of each of the mobile clients in the predetermined advertising information transmission area in which a position indicated by the position information from the mobile clients is located, the state of passage including a number of times each of the mobile clients passes within the predetermined advertising information transmission area, and when the mobile client passes through the same transmission area two or more times within a predetermined period of time, the second passage and later within that predetermined period of time are not counted, wherein the passage count is a continuous counter for a time period exceeding the predetermined period of time.

Independent claim 14 recites, *inter alia*, receiving from the server advertising information according to the count of passage by the mobile client through a transmission area at that time, when passing through an advertising information transmission area in which the position is located, the count of passage including a number of times the mobile client passes within the predetermined advertising information transmission area, and when the mobile client passes through the same transmission area two or more times within a predetermined period of time, the second passage and later within that predetermined period of time are not counted, wherein the passage count is a continuous counter for a time period exceeding the predetermined period of time.

Independent claim 15 recites, *inter alia*, receiving from the server advertising information according to the count of passage by the mobile client through a transmission area at that time, when passing through an advertising information transmission area in which a position indicated by the position information is located, the count of passage including a number of times the mobile client passes within the predetermined advertising information transmission area, and when the mobile client passes through the same transmission area two or more times within a predetermined period of time, the second passage and later within that predetermined period of time are not counted, wherein the passage count is a continuous counter for a time period exceeding the predetermined period of time.

Independent claim 16 recites, *inter alia*, receiving a count of passage through a transmission area by the mobile client for the advertising information at the time of transmission of the transfer request or corresponding incentive information to the passage count, the count of

passage including a number of times the mobile client passes within the predetermined advertising information transmission area, and when the mobile client passes through the same transmission area two or times within a predetermined period of time, the second passage and later within that predetermined period of time are not counted, wherein the passage count is a continuous counter for a time period exceeding the predetermined period of time.

Independent claim 17 recites, *inter alia*, retrieving from the database a count of passage through a transmission area through which a mobile client is passing based on position information of the mobile client, and storing the count of passage, the count of passage including a number of times the mobile client passes within the predetermined advertising information transmission area, and when the mobile client passes through the same transmission area two or more times within a predetermined period of time, the second passage and later within that predetermined period of time are not counted, wherein the passage count is a continuous counter for a time period exceeding the predetermined period of time.

Applicant respectfully submits that none of the citations of record teaches or suggests at least the aforementioned features of the pending independent claims. Consequently, while not conceding the propriety of the asserted combinations, it is respectfully submitted that the asserted combinations of these citations are likewise deficient.

The combination of Haitsuka and McGregor is alleged to teach a passage count over a predetermined period of time where the passage count is not incremented over one for that predetermined period of time. Applicant respectfully submits, however, that neither Haitsuka nor McGregor teaches or suggests that the passage count is a continuous counter for a time period that is greater than the predetermined period of time, as recited in the amended independent claims. Thus, in contrast to the teachings of Haitsuka and McGregor, the passage count as recited in claims 1 and 12-17 can exceed one.

Cohen is relied upon only to teach transmission areas, geographic areas for advertising, and that the number of displays of an advertisement in a predetermined geographic zone is recorded. Bandera is relied upon only to teach incentives for advertising. Gough is relied upon only to teach that the transmission of advertising information to the client is omitted as instructed by the client. Eggelston is relied upon only to teach the utilization of awards points as an incentive related to advertising purposes. Accordingly, Applicant respectfully submits that neither Cohen, Bandera, Gough, nor Eggelston adds anything that would remedy the aforementioned deficiencies of the combination of Haitsuka and McGregor.

The independent claims have also been amended to recite that the advertising information is transmitted when the passage count of the mobile client has reached a

predetermined value. This language previously appeared in dependent claim 3, which has been cancelled. Antecedent basis can be found, for example, in the specification at page 18, lines 1-4, which describe that "the transmission of advertising information may be made...when the client's count of passage through the area has reached a predetermined value." With this feature, the advertising information can be transmitted only to clients who are closely related to the area. This may allow for the advertising information to be distributed more effectively and, according to one embodiment, prevent distribution of the advertising information to a client passing through the area by accident.

As mentioned above, the new language was previously found in claim 3. The Examiner cites Haitsuka for the limitations of claim 3. This reference relates to a monitoring method for an online user, not to a passage count of a mobile body. Moreover, Haitsuka only describes frequency, maximum number of times to send to a user, minimum number of times to send to a user, etc., as data transmission methods. Because Haitsuka relates to online users, there is no motivation to combine Haitsuka with the other references, such as Cohen. Even if the references would have been combined, the present invention, in which advertising information is transmitted when a passage count of the mobile client has reached a predetermined value, is not disclosed or suggested.

Thus, for at least these reasons, Applicant respectfully submits that the combinations of Haitsuka, McGregor, and Cohen; Haitsuka, McGregor, Cohen, and Bandera; Haitsuka, McGregor, Cohen, and Gough; and Haitsuka, McGregor, Cohen, and Eggelston do not obviate the aforementioned features. Accordingly, favorable reconsideration and withdrawal of the rejection of claims 1-5 and 7-18 under 35 U.S.C. §103 are respectfully requested.

In view of the foregoing, Applicant respectfully submits that the independent claims patentably define the present invention over the citations of record. Further, the dependent claims should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested.

Applicant submits that this Amendment After Final Rejection clearly places the subject application in condition for allowance. This Amendment was not earlier presented because Applicant believed that the prior Amendment placed the subject application in condition for allowance. Accordingly, entry of the instant Amendment as an earnest attempt to advance prosecution and reduce the number of issues for appeal is requested under 37 C.F.R. §1.116.

Applicant believes that the present Amendment is responsive to each of the points raised by the Examiner in the Official Action.

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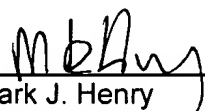
There being no further outstanding objections or rejections, it is submitted that the present application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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